

REMARKS

The Applicant presents these remarks with reference to and incorporating by reference the remarks presented in the response to the outstanding Office Action filed August 24, 2007. It is particularly noted that Applicant has paid for a three-month extension of time to respond to the outstanding Office Action mailed March 20, 2007, wherein the full response period with extension would end September 20, 2007. Accordingly, it is believed that this Supplemental Amendment and Request for Reconsideration requires no additional petition for extension of time or corresponding fee.

The present Supplemental Amendment and Request for Reconsideration, in combination with the Amendment and Request for Reconsideration filed August 24, 2007, is provided to fully address the issues identified by the Examiner. It is believed that this Supplemental Amendment and Request for Reconsideration is fully responsive in light of the outstanding Office Action and Applicant's previous Amendment and Request for Reconsideration and accordingly is a bona fide attempt to advance the prosecution of the application.

Interview Summary

The Applicant and Applicant's Representative express their sincere gratitude for the opportunity to interview with the Examiner September 12, 2007. The interview, lasting approximately one and a half hours, was conducted to discuss the disclosure of the new art made of record by the Examiner and to discuss the claim amendments and remarks submitted by the applicant on August 24, 2007. Further consideration was made during that time for the support in the specification for the term "wireless" and the possibility for amendment of the specification and claims based upon that term and the supporting disclosure.

Amendments to the Written Specification and Abstract

The Examiner is respectfully directed to the amendments herein regarding the written

specification and abstract. The amendments comprise the substitution of the term “cordless” with the term “wireless.” The term “wireless” has support in the original disclosure, for example, in Figure 18 as well as in the written description in paragraph [0008], line 5. Information contained in the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter, and one skilled in the art would recognize and understand the use of ‘wireless’ consistent with the original disclosure of the application. MPEP 2136.06, 2136.07; *see* 35 U.S.C. § 132; *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981). It is believed that the modification of terms from “cordless” to “wireless” is not new matter and is information contained in the specification and drawings as filed.

Amendments to the Claims

The Examiner is also respectfully directed to the claim amendments made herein having recitation to the claimed subject matter amended to refer to “wireless” in the preamble and body of the claims. *See, for example*, Presently Amended Claim 1. The fundamental question has been characterized as an inquiry of whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. MPEP 2163.02; *see Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). As the Manual of Patent Examining Procedure points out, “an applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.” MPEP 2163.02, *citing Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). It is believed that the amendment of the claims from “cordless” to “wireless” is fully supported and enabled in the specification wherein cordless and wireless are synonymous terms of art used interchangeably, the term “wireless” having a larger usage in modern electronic and headset industries.

The Examiner is further directed to the claim amendments having recitation to a claimed element amended from “dial pad” to “key pad.” Presently Amended Claims 2, 6 and 19. The Manual of Patent Examining Procedure is instructive, providing that “the subject matter of the claim need not be

described literally (i.e. using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” MPEP 2163.02. It is believed that the amendments of the claims to “key pad” are amendments supported by the written description, wherein specific reference is made in the original disclosure to “input elements” and, for example, the “input elements” are originally claimed as being positionally associated with the “dial pad.” Original Claim 19. Paragraph [0036] of the written specification goes on to describe not only the dial pad, but other input elements and control elements that would be understood by one skilled in the art to be “keys”, or collectively along with the dial pad, a “key pad.” Accordingly, the term “key pad,” although changed from “dial pad” to consider non-numeric input elements, is supported in the written description and claims with reference to the dial pad, input elements and control elements referenced in association with the telephone control. *See* Figure 3 and Paragraph 36.

Furthermore, the current amendment to the claims is presented to highlight some inventive, novel and nonobvious aspects of the present invention. Some claims have been cancelled in order to fully draw out the novel and nonobvious aspects. The claims, both previously presented and currently amended, have supportive argument for novelty and nonobviousness as described in the previous Amendment and Request for Reconsideration. However, in the interest of providing a full understanding of the technology of the present invention embodied as a wireless communication headset system and wireless communication headset, as well as methods of configuring such, further amendment is herein provided to further highlight some inventive concepts in light of the cited art and art considered pertinent by the Examiner.

In operation, and as but one example, the present invention may be embodied as a wireless communication headset system operated as follows. A user may receive an incoming call or other communication or information through the technology. As an example, the user receives a telephone call. The user may then engage the system or headset to answer the call and understand the identity of the caller and the likely purpose and substance of the telephone conversation. The user may then decide to remain in the telephone conversation and keep the system in its original configuration when the call was answered. The system may be in a head-worn configuration or in a hand-held configuration. In either event, the user may then decide to change the configuration of the system, in part based upon the

expected telephone conversation and based upon other factors such as user preference and comfort. In one example, the user may elect not to mess their hair by using the system in a hand held configuration and may rotate the headband about a rotatable connection of the telephone control at a distal end of the headband.

The rotatable connection is on a vertical axis of the headband and the telephone control at the distal end, the telephone control and the headband being rotatably connected with said rotatable connection and rotatable about said vertical axis to a head-worn configuration and a hand held configuration. Either the headband or the telephone control may be rotated. The headband and the telephone control are each rotatable about the vertical axis to a non-head worn configuration of the headband, particularly with respect to the head of a user, and to a hand-held configuration of the headband and the telephone control, either in initiating the call or after taking the call. The user may then elect to continue the conversation with the system in a hand-held configuration or revert to a head-worn configuration, for example if the conversation is expected to be lengthy and/or if the user expects the freedom of the use of both hands during the call. Furthermore, the headset of the wireless communication headset system may be configured from a head-worn configuration to a hand-held configuration at any point, based upon the user's preference or changing preferences. These mechanical structures, the functionality thereof, and the process all highlight some of the novel and non-obvious features of the present invention. It is believed that each of these features is fully disclosed and supported by the original application.

A further advantage of the technology is the dual configurations and the ability to wear the technology for an extended time or not, to opt for a hand-held configuration, and to be able to adjust or change from a head-worn configuration on the head, with associated tightness on the user's head. Furthermore an additional advantage would be the capability to go from a head-worn configuration to a hand-held configuration, or the reverse, in order to adjust the physical pressure between the earpiece or ear cup and the user's ear, thereby adjusting or even improving the reception of sound from the technology to the user's ear by applying pressure on the technology, either by hand or by head configuration, to the user's head and ear. Accordingly, the technology uniquely allows the user to both adjust for better comfort or better audio reception in a way not heretofore understood from previous

technologies.

Prior Art Issues

The Examiner has alleged that certain claims are made obvious by the Mach, II et al. patent reference in light of the above-cited references or notice taken by the examiner, all at least with view to Hall et al. The Examiner also notes that other patents may be pertinent to the instant invention. It is presently asserted that the claims are novel and nonobviousness in light of the art of record, both as cited and as noted by the Examiner as pertinent, and accordingly the outstanding rejections based upon such references should be withdrawn.

The present invention is not obvious in light of the prior art of record

The Examiner has not shown or established that at the time the invention was made, all claim limitations are taught or suggested by the cited art, established the suggestion or motivation to modify or combine the cited references, even if the claim limitations were taught, or a reasonable expectation of success, with respect to the claimed recitations of claims 1, 35, 37, and 63.

As previously described and as explained by the Examiner in the outstanding Office Action, the Mack et al. reference does not teach claimed features of the present invention. Furthermore, as also previously described, the Hall et al. reference does not teach the missing claim limitations, does not provide motivation to modify or combine the cited references in any event, and provides no reasonable expectation of success even if such references were modified or combined. It is further urged that the patent references cited by the Examiner also do not afford the missing parameters of Hall necessary to support a rejection based upon obviousness.

CONCLUSION

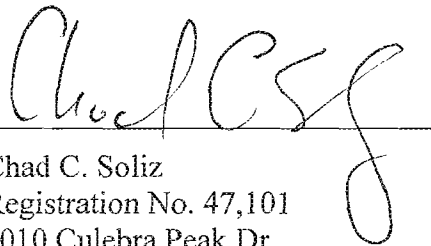
Claims 1-63 are pending, claims 1-4, 6, 7, 12, 15, 17-21, 23-25, 27, 31-33, 35, 37, 39, 42, 43, 47, 51, 52, 54, and 60-63 have been amended, and claims 5, 8-11, 13, 14, 16, 22, 26, 28-30, 34, 36, 38, 40,

41, 44-46, 48-50, 53, 55-59, and 64-68 have been cancelled. In light of the above amendment and remarks, the Examiner's early reconsideration is earnestly requested.

If any outstanding issues remain with respect to this present amendment and request for reconsideration, the Examiner is respectfully requested to contact the undersigned attorney of record at his earliest convenience to initiate the resolution of any remaining concerns.

Dated this 17 day of September, 2007.

Respectfully submitted,
Law Office of Chad C. Soliz, LLC

A handwritten signature in black ink, appearing to read 'Chad C. Soliz', is written over a horizontal line.

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